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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDALL THOMAS BAILEY,

Defendant.

Criminal No. 25-CR-115-SWS

GOVERNMENT’S NOTICE OF INTENT TO OFFER EXPERT TESTIMONY

The United States of America hereby submits its notice of intent to offer expert testimony.
Fed. R. Crim. P. 16(a)(1)(G). The United States reserves the right to further supplement this notice.

**Special Agent Krystal Stevenson
Bureau of Alcohol, Tobacco, Firearms and Explosives**

Qualifications: Special Agent Stevenson has been a special agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives since April of 2021. Special Agent Stevenson has training and experience regarding the identification, origin and classification of firearms and ammunition under the provisions of the federal firearms laws, including but not limited to, issues related to the interstate nexus of firearms and ammunition. Her duties include the examination of firearms and ammunition for the purpose of determining the manufacturer, model, caliber/gauge, and serial number; the place of manufacture; function and design; or status as related to federal

firearms laws, including the National Firearms Act and Gun Control Act. Special Agent Stevenson's qualifications are more fully set forth in her statement of qualifications, attached as Exhibit 1.

SA Stevenson has not testified as an expert witness in the last four years.

SA Stevenson has authored no publications within the past ten years.

Summary of Testimony: SA Stevenson will testify to her training and experience regarding the identification, origin, and classification of firearms and ammunition under the provisions of the federal firearms laws, including but not limited to issues related to the interstate nexus of firearms and ammunition. SA Stevenson will further testify as to the identification, location of manufacture and subsequent transportation of the firearms listed in the July 16, 2025 Indictment, all of which are involved in this investigation. SA Stevenson will further testify that the firearms listed were not manufactured in Wyoming and were therefore transported in interstate commerce from another state into the State of Wyoming, meaning the firearms at issue in this matter were in and affecting interstate commerce. A signed report detailing the opinion and the supporting bases for the interstate nexus opinion will be provided through the discovery process immediately upon receipt.

Approved: /s/ Krystal Stevenson
Special Agent Krystal Stevenson

Cody J. Toy
Firearms Enforcement Officer
Bureau of Alcohol, Tobacco, Firearms and Explosives

Qualifications: Cody J. Toy is a Firearms Enforcement Officer with the Bureau of Alcohol, Tobacco, Firearms. He is an expert in identifying and testing Machineguns and Machinegun Conversion Devices ("MCD"). Mr. Toy has been with the ATF since 2016 and has performed thousands of firearms examinations.

In the past four years Mr. Toy has testified as an expert in the following cases:

- Martinsburg, West Virginia – October 2021 – 3:20-cr-42, USA v. Timothy Watson
- Miami, Florida – November 2022 – 1:22-cr-20058, USA v. Rabel Andersen
- Riverside, California – February 2023 – ED CR-21-00079-JGB USA v. Daniel Ryan Marcotte
- Jacksonville, Florida – April 2023 – 3:21-cr-22(S3) USA v. Kristopher Justinboyer Ervin
- Medford, Oregon – May 2023 – 19-cr-00454-MC USA v. Gregory Lee Rodvelt
- Providence, Rhode Island – July 2023 – P2-2020-3470AG Rhode Island v. Michael McNamara
- Denver, Colorado – February 2024 – 23-cr-00095-RM USA v. Terry Roebuck
- San Antonio, Texas – March 2024 – SA-24-CR-307-DAE USA v. Emmanuel Araiza

Mr. Toy has not authored any publications in the previous 10 years. Mr. Toy's qualifications are more fully set forth in his Curriculum Vitae, attached as Exhibit 2.

Summary of Testimony: Mr. Toy will testify consistently with his Report of Technical Examination dated February 28, 2025, which was produced in discovery.

Mr. Toy will testify that he examined and test fired the M10-type, .45 ACP caliber firearm, serial number 79 0001 198. He will testify that the M10-type, .45 ACP caliber firearm is a machinegun as defined in 26 U.S.C. § 5845(b) and testify about the facts supporting his conclusion and his related training and experience.

Mr. Toy will testify that he examined a metal cylindrical device with no manufacturer's marks or serial number. He will testify that he attached the metal cylindrical device to the M10-type, .45 ACP caliber firearm during the test fire, and that the attachment of the metal cylindrical device made a significant difference in the perceived report from the M10-type, .45 ACP caliber firearm, so much so that it was comfortable to fire the firearm without hearing

protection. Mr. Toy will testify that the metal cylindrical device is a device for silencing, muffling, or diminishing the report of a portable firearm; therefore, it is a silencer as defined in 18 U.S.C. § 921(a)(24) and testify about the facts supporting his conclusion and his related training and experience.

Mr. Toy may also testify about pertinent terminology contained within his Report of Technical Examination in this case.

Approved: /s/ Cody J. Toy
Cody J. Toy
Firearms Enforcement Officer

Jason E. Vary
Destructive Device Examiner
Bureau of Alcohol, Tobacco, Firearms and Explosives

Qualifications: Jason E. Vary is a Destructive Device Examiner with the Bureau of Alcohol, Tobacco, Firearms. He is an expert in destructive device determinations. Mr. Vary has been with the ATF since 2023.

Mr. Vary currently serves as an explosives subject matter expert providing technical investigative assistance, advice, and expert testimony in support of investigations involving criminal violations of federal explosives and arson laws. More specifically, Mr. Vary conducts technical examinations to classify explosives and destructive devices regarding their design, construction, function, effects, and legal ramifications.

In the past four years Mr. Vary has testified as an expert in the following case:

- US v. Bobby McNeil, Case No. 22-CR-224, United States District Court Eastern District of Wisconsin, 15 Oct 2024, Expert for the prosecution.

Mr. Vary has not authored any publications in the previous 10 years. Mr. Vary's qualifications are more fully set forth in his Curriculum Vitae, attached as Exhibit 3.

Summary of Testimony: Mr. Vary will testify consistently with his Report of Examination dated March 28, 2025, which was produced in discovery.

Mr. Vary will testify regarding the technical examinations performed to classify explosives and destructive devices as well as their design, construction, function, and effects.

With respect to his work in this particular case, Mr. Vary's final report has been produced in discovery. Mr. Vary's opinions and the bases and reasons for those opinions are discussed within the report and will serve as the foundation for his testimony in this case.

Mr. Vary will provide his expert opinion that the evidentiary items submitted to him were designed as weapons and would be properly identified as improvised explosive bombs. Explosive bombs are destructive devices as that term is defined in 26 U.S.C. § 5845(f) and would be regulated in accordance with the National Firearms Act.

Approved: /s/ Jason E. Vary
Jason E. Vary
Destructive Device Examiner

Gui-hua Lisa Lang, Ph.D.
Forensic Chemist
Bureau of Alcohol, Tobacco, Firearms and Explosives

Qualifications: Gui-hua Lisa Lang is a Forensic Chemist with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, a position she has held since June 1999. Ms. Lang has worked in the field of Forensic Science since 1998. Ms. Lang has not testified as an expert in the last four years.

Ms. Lang has not authored any publications in the past ten years. Ms. Lang's qualifications are more fully set forth in her Curriculum Vitae, attached as Exhibit 4.

Summary of Testimony: Ms. Lang will testify consistently with her Laboratory Report dated March 24, 2025, which was produced in discovery. Ms. Lang will testify she performed chemical analysis on two powder samples taken from two suspected destructive devices. She will be called to testify regarding that analysis and the process, the science, and procedures used in her analysis. Ms. Lang will testify consistently with her results, interpretations, opinions, and conclusions based on her report. Ms. Lang may also testify regarding chain of custody and laboratory policies and procedures related to her analysis in this case.

With respect to her work in this particular case, Ms. Lang's final report has been produced in discovery. Ms. Lang's expert opinions and the bases and reasons for those opinions are discussed within the report and will serve as the foundation for her testimony in this case.

On July 25, 2025, the government emailed Ms. Lang informing her that she would be needed as an expert witness in this matter and requesting her CV. On July 30, 2025, Ms. Lang advised that she was on leave until August 11, 2025. On August 11, 2025, the government again contacted Ms. Lang to obtain her CV and her approval of the expert notice language. Unfortunately, Ms. Lang advised that the expert notice language has to be approved by both her lab supervisor and ATF counsel which could not be accomplished by the end of the day August 11, 2025. Reasonable efforts to obtain her signature have been made, but unfortunately, have not been accomplished. The government will file an updated notice with Ms. Lang's signature once approved by ATF counsel.

Approved: /s/ *pending approval*
Gui-hua Lisa Lang
Forensic Chemist

The United States reserves the right to supplement its notice of expert witness testimony pursuant to the continuing duty to disclose pursuant to Federal Rules of Criminal Procedure 16(a) and 16(c). Investigations in criminal cases are ongoing, and additional evidence may be discovered which may require additional expert witness testimony.

The United States requests the Defendant provide a written summary of any testimony the defense intends to use in their case under Federal Rules of Criminal Procedure, Rules 702, 703 and 705. Fed. R. Crim. P. 16(b)(1)(C).

The United States asserts that this notice and the reports provided to the Defendant satisfy the requirements of Rule 16(a)(1)(G). If, after viewing this notice and the attachments, the Defendant requests further information or has concerns under Rule 16, the United States requests the Defendant advise as to what further information is necessary to prepare for trial.

DATED this 11th day of August, 2025.

Respectfully submitted,

DARIN D. SMITH
United States Attorney

By: /s/ Paige N. Hammer
PAIGE N. HAMMER
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of August, 2025, the foregoing **Government's Notice of Intent to Offer Expert Testimony** was electronically filed and consequently served on defense counsel.

/s/ Vickie L. Smith
UNITED STATES ATTORNEY'S OFFICE